

Eugene T. Smith

Attorney at Law

(202) 347-2363

RECEIVED

FEB 14 1997

715 G Street, S.E.
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY
Washington, D.C. 20003

February 14, 1997

Mr. William Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: RM-8924,
Asbury, Iowa

Dear Mr. Caton:

On behalf of Sports American Radio Network, there are transmitted herewith for filing an original and four copies of its Supplement to Initial Comments in the referenced proceeding.

If additional information is needed, please contact the undersigned.

Very truly yours,


Eugene T. Smith

ETS:ch

Attachments

cc: Eric S. Kravetz, esq. (w/att.)
Philip T. Kelly (w/att.)

No. of Copies rec'd
List ABCDE

024
MMB

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

FEB 14 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202 (b),)
Table of Allotments,)
FM Broadcast Stations)
(Anamosa & Asbury, Iowa))
)
)
)
)
)
)
)
)
To: Chief, Allocations Branch)
Policy and Rules Division)
Mass Media Bureau)

MM Docket No. 96-215
RM-8924

SUPPLEMENT TO INITIAL COMMENTS


Sports American Radio Network (Petitioner), by its attorney files herewith its Supplement to Initial Comments. Petitioner reaffirms those statements made in its Initial Comments filed with the Commission on February 12, 1997.

Attached hereto is a statement by Petitioner's Consulting Engineers, Evans Associates, indicating that by relocating the reference points for each allotment, i.e. Anamosa and Asbury, Iowa, both can be allotted to § 73.202 (b) of the Commission's Rules. Public interest reasons are present as two allotments are favored rather than a grant of one, and a denial of one.

For these reasons, it is respectfully requested that the Commission adopt this amended plan.

February 14, 1997
715 G Street, S.E.
Washington, D.C. 20003
202-347-2363

Respectfully submitted:
SPORTS AMERICAN RADIO
NETWORK


Eugene T. Smith
Its Attorney



ENGINEERING STATEMENT

This Engineering Statement has been prepared by B. Benjamin Evans, P.E., of Evans Associates, Consulting Communications Engineers in Thiensville, Wisconsin, on behalf of Sports America Radio Network (SARN), petitioner to assign FM Channel 238C3 at Asbury, Iowa.

SARN has petitioned the FCC to assign FM Channel 238C3 to Asbury, Iowa. Contemporaneously, Susan Coloff petitioned the FCC to assign FM Channel 239A to Anamosa, Iowa. These two proposals are mutually-exclusive, since the respective reference points are 61.2 kilometers apart, and the minimum distance spacing between a Class C3 and an adjacent-channel Class A is 89 kilometers.

An FM commercial frequency search conducted by this affiant has determined that there are no other Class A frequencies that could be assigned to Anamosa, nor any other Class C3 frequencies that could be assigned to Asbury. Thus, only one of the two proposals can be granted.

This affiant has determined that the proposals for Asbury and Anamosa can both be granted if the proposed Asbury channel is downgraded to Class A, and if the reference sites of both proposed assignments are changed so that they meet the minimum spacing for adjacent Class A stations with respect to one another.

It is proposed herein to change the proposed Asbury assignment to Channel 238A and change its reference site to the following:

N. Lat. 42°-32'-05"; W. Long. 90°-43'-32"

From the above site, it is only 3.1 kilometers from the center of Asbury; thus, the requirement that the predicted 3.16 mV/m contour of a Class A station from that site encompass the community of license, would be easily met.

It is proposed herein to change the reference site of proposed Channel 239A in Anamosa to the following:

N. Lat. 42°-04'-14"; W. Long. 91°-20'-10"



Engineering Statement
Proposed FM Assignments - Asbury & Anamosa, IA
Page 2

From the above site, it is 6.2 kilometers from the center of Anamosa, assuring that an FM Class A facility at that site would cover Anamosa with a predicted 3.16 mV/m signal.

ATTACHMENTS

Affidavit

Figure 1 - - - - - Minimum Spacing Study - Channel 238A, Asbury, IA

Figure 2 - - - - - Minimum Spacing Study - Channel 239A, Anamosa, IA

AFFIDAVIT

COUNTY OF OZAUKEE

SS:

STATE OF WISCONSIN }

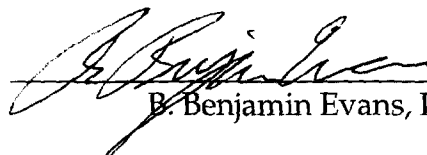
B. BENJAMIN EVANS, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

That he is a Consulting TeleCommunications Engineer, a Registered Professional Engineer in the State of Wisconsin, and a partner in the firm of Evans Associates;

That this firm has been retained by Sports America Radio Network to prepare this engineering exhibit;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement, and that the facts stated in this engineering statement are true to the best of his knowledge, except statements that are herein stated to be based on information or belief, and as to such statements he believes them to be true.


B. Benjamin Evans, P.E.

Subscribed and sworn to before me this 12th day of February, 1997.


Notary Public

My Commission expires

Sept 24 '2000

NOTICE

This exhibit and the work it is based on represents our best interpretation of existing information, technical data, FCC Rules and policies, and policies and rules of other agencies. However, these data, rules and policies and their interpretation by the FCC or other agencies are constantly changing. Therefore, we do not warrant this work to be acceptable to the FCC or other agency, that any undertaking based on it will be successful, or that further submittals, administrative actions or litigation will not be required by others in support of this proposal or future undertaking. In the event of errors, our liability is strictly limited to replacement of this document with a corrected one. Liability for consequential damages is specifically disclaimed. Favorable action on this application by the FCC, FAA or other federal and state agencies is not guaranteed.

Work product documents released prior to account settlement remain the sole property of Evans Associates. Underlying work notes relating to this document remain the property of Evans Associates. This document shall not be reproduced in whole or part without the permission of Evans Associates. All copies shall be immediately returned upon our demand until such time as all charges billed in connection with preparation of this work are paid in full. In any event, the full amount of such charges shall remain due and payable. Any dispute hereunder shall be adjudicated in Wisconsin.

Any use or retention of this document constitutes acceptance of these terms, the entire work product and all charges associated therewith.

© 1997 By Evans Associates
All Rights Reserved

Evans Associates
210 S. Main Street
Thiensville, WI 53092
FM FREQUENCY ALLOCATION STUDY

Channel: 238A (95.5 MHz) 6 KW ERP
 Coordinates: 42 - 32 - 5 90 - 43 - 32 100 M HAAT
 Job Title: SARN - ASBURY IA ± indicates 73.215 Facility
Cl.A Spacing: 73.207

CALL	± CITY	CH/CL-ZN	ERP-kw	HAAT-m	DA	LATITUDE	BEAR-to	DIST-km	REQ
STATUS	STATE	FCC#	APPLICANT/LICENSEE			LONGITUDE	-from-°T	CLEAR-km	-km
KMAQFM	Maquoketa	236A	6.0	100		42 5 26	170.8°	50.0	30.5
CP	IA	BPH941003IE	Maquoketa Broadcasti			90 37 43	350.9°	+19.5	
KQMGFM	Independence	237A	2.9	125		42 28 32	266.4°	94.6	71.5
LIC	IA	BLH950605KB	Midwest Broadcasting			91 52 26	85.6°	+23.1	
KXPW	Belle Plaine	238C3	25.0	100		41 44 47	236.8°	158.3	141.5
CP M	IA	BMPH931118IE	Cynthia A. Siragusa			92 19 11	55.8°	+16.7	
	Anamosa	239A				42 4 14	224.4°	72.1	71.5
ADD	IA	RM8898	Susan I. Cofoff			91 20 10	44.0°	+0.5	
WTRV	La Crosse	239C2	50.	150		43 37 58	339.8°	130.2	105.5
LIC	WI	BLH890213KF	Lacrosse May B/Casti			91 17 6	159.4°	+24.7	
KIYX	Sageville	291A	4.40	117		42 38 8	40.1°	14.6	9.5
CP	IA	BPH950727MA	The Sageville Shoppe			90 36 39	220.1°	+5.1	

>> *** CHANNEL SUITABLE FOR ASSIGNMENT *** <<

Evans Associates
210 S. Main Street
Thiensville, WI 53092
FM FREQUENCY ALLOCATION STUDY

Channel: 239A (95.7 MHz) 6 KW ERP
 Coordinates: 42 - 4 - 14 91 - 20 - 10 100 M HAAT
 Job Title: COL2 - ANAMOSA IA ± indicates 73.215 Facility
Cl.A Spacing: 73.207

CALL	± CITY	CH/CL-ZN	ERP-kw	HAAT-m	DA	LATITUDE	BEAR-to	DIST-km	REQ
STATUS	STATE	FCC#	APPLICANT/LICENSEE	LONGITUDE	-from-°T	CLEAR-km	-km		
KMAQFM	Maquoketa	236A	6.0	100	42 5 26	87.6°	58.6	30.5	
CP	IA	BPH941003IE)	Maquoketa Broadcasti	90 37 43	268.1°	+28.1			
KMAQFM	Maquoketa	237A	3.00	100	42 5 26	87.6°	58.6	30.5	
LIC	IA	BLH850730KW)	Maquoketa Broadcasti	90 37 43	268.1°	+28.1			
KXPW	Belle Plaine	238C3	25.0	100	41 44 47	246.4°	89.2	88.5	
CP M	IA	BMPH931118IE)	Cynthia A. Siragusa	92 19 11	65.8°	+0.7			
ADD	Asbury	238A			42 32 5	44.0°	72.1	71.5	
	IA)	Sports America Radio	90 43 32	224.4°	+0.5			
WTRV	La Crosse	239C2	50.	150	43 37 58	1.4°	173.6	165.5	
LIC	WI	BLH890213KF)	Lacrosse May B/Casti	91 17 6	181.4°	+8.1			
KMXB	Clinton	241C1	100.	299	41 37 58	122.1°	91.0	74.5	
LIC	IA	BLH861017KB)	Quad Cities Broadcas	90 24 38	302.7°	+16.5			

>> *** CHANNEL SUITABLE FOR ASSIGNMENT *** <<